IN THE HIGH COURT OF JUDICATURE,

ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

And
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 17320 of 2004

Between:

A.Anjaneyulu, s/o Kurmaiah,
o/o R.T.O.,Mahaboobnagar, Mahaboobnagar District.

..... PETITIONER

AND

1. Regional Transport Officer, Mahaboobnagar.
2. The Deputy Transport Commissioner, (Telangana) Government of A.P.,Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of certiorari (a) to call for the records relating to and connected with the judgment and order, dated 28-6-2004 in O.A.No.3005/1999 by the A.P.Administrative Tribunal, Hyderabad and quash or set aside the same holding it unsustainable; (b) to call for records relating to and connected with the order of stoppage of two annual grade increments with cumulative effect in the proceedings No.8840/A/1/87, dated 23-3-1989 of the 1st respondent as confirmed by the 2nd respondent in proceedings L.Dis.Memo No.2088/A/1/89, dated 15-5-1989 and quash or set aside the same and declare the action of the respondents as bad in law and unjust; (3) direct the respondents to restore the annual grade increments so stopped right from the date of order.

Counsel for the Petitioner:MRMRAMA NARASIMHULU.

Counsel for the Respondent s: GP FOR SERVICES-II.

The Court at the stage of admission made the following :

ORAL ORDER:

(Per the Hon'ble Sri Justice Goda Raghuram)

The unsuccessful applicant in O.A.No.3005 of 1999 aggrieved by the order dated 28-06-2004 of the A.P. Administrative Tribunal rejecting the O.A., has filed the writ petition.

The petitioner was initially appointed as a watchman and thereafter promoted as an attender in the Transport Department. The 1st respondent issued memo dated 03-02-1998 to the petitioner alleging that he and two others had submitted a false claim for LTC for a journey that they did not undertake and while staying at the headquarters. After receipt of explanation from the petitioner, another memo dated 09-01-1989 was issued calling upon the petitioner to explain why the amount should not be recovered and also proposing the penalty of stoppage of two annual increments with cumulative effect. By the order dated 10-03-1989, the 1st respondent herein imposed the penalty of stoppage of two increments with cumulative effect.

The petitioner claims to have made number of representations to the 2nd respondent against the disciplinary order, but did not file any regular appeal as required under A.P.C.S.(CC & A) Rules, governing appellate remedies. By a memo dated 15-05-1999, the 2nd respondent rejected the appeal dated 13-05-1999 filed by the petitioner against the order of the 1st respondent dated 10-03-1989 on the ground that the appeal having been preferred after lapse of more than ten years is time barred.

Aggrieved by the orders of the 1st respondent and the 2nd respondent, the petitioner preferred the O.A., which was rejected by the Tribunal on the ground that it is barred by laches and delay. The Tribunal categorically recorded that though representations are claimed to have been made by the petitioner, there is no proof to sustain the claim of the petitioner with regard to the representations said to have been made by him against the order of the disciplinary authority. In conclusion, the

Tribunal rejected the O.A. on the ground of delay and laches. Aggrieved, the petitioner is before this Court.

It is a settled principle that no challenge even by a writ petition, to an order of a disciplinary authority, may be entertained after the period of limitation prescribed under the Limitation Act for preferring a suit for the same relief. Limitation periods are prescribed under the provisions of the Administrative Tribunals Act, 1985. The O.A., preferred by the petitioner was barred by laches as also the period of limitation prescribed by the provisions of the said Act.

There is thus no infirmity in the conclusion of the Tribunal. There are no merits in the writ petition and the same is accordingly, dismissed at the stage of admission. No costs.

J.Chelameswar, J

Goda Raghuram, J

27th October, 2004.

mrk

To

1. The Registrar, A.P. Administrative Tribunal, Hyderabad.
2. Regional Transport Officer, Mahaboobnagar.
3. The Deputy Transport Commissioner, (Telangana) Government of A.P.,Hyderabad.
4. Two CCs to the G.P. for Services-II, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.